

**Testimony of Chickasaw Nation Governor Bill Anoatubby
On H.R. 2880
Before the United States Senate Committee on Indian Affairs
September 18, 2002**

Mr. Chairman and members of the Committee:

I am Bill Anoatubby, governor of the Chickasaw Nation. It is a pleasure for me to provide testimony to this committee and your inviting me to do so is appreciated. Thank you.

This committee is presented with the opportunity to continue the process of righting an injustice on behalf of the United States that has endured for almost a century. The citizens of the five nations, known collectively as the Five Civilized Tribes, have endured an injustice which continues to compound itself and to compound already convoluted problems for those citizens.

The five tribes, the Cherokee Nation of Oklahoma, the Choctaw Nation of Oklahoma, the Chickasaw Nation, the Seminole Nation of Oklahoma and the Muscogee (Creek) Nation, have been set apart from the other 540+ tribes in the United States in the treatment of individual allotted lands. That treatment has created unnecessary legal and bureaucratic obstacles which impede the best use of restricted property belonging to individual citizens of those five tribes. The end result is a great injustice to each of those citizens and numerous families.

H.R. 2880 eliminates the existing problems by making it possible for citizens of the Five Civilized Tribes to be treated in the same manner as citizens of other tribes.

Until this measure becomes law, state courts in Oklahoma have jurisdiction over individual trust and restricted lands of the five tribes' citizens for purposes of probate, heirship determination and other proceedings affecting title to restricted property. Once this measure is enacted, the secretary of the U.S. Department of the Interior will have jurisdiction over such actions, except for express jurisdiction specified in H.R. 2880. Oklahoma and its courts have no special affinity or trust obligation to any citizens of the five tribes; therefore, the interests of the Individual Indian citizens have not always been the most important aspect of probate proceedings, heirship determination and other proceedings affecting restricted properties. H.R. 2880 corrects that problem and goes further by placing jurisdiction over pending estate actions with the secretary. This action alone will save years of anguish and costs to heirs and their families.

Another important aspect of H.R. 2880 is the authorizing authority for the secretary to promulgate regulations necessary to carrying out the Act. This procedure will allow the tribal governments themselves, representing their individual citizens, to have direct input into those regulations and their application, affording yet another mechanism to allow for protection of those assets of individual citizens.

All in all, this measure will greatly help those who need help the most. Under current authorities, state courts' exercise of jurisdiction causes many years of delay. The current court backlog of probate cases involving restricted lands of five tribes citizens is years and years, and generally does not take into consideration the trust obligations of the federal government in such matters.

H.R. 2880 is needed. Your consideration will be very much appreciated.

Thank you very much for allowing me to present these comments for your consideration.